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Attorneys for Defendants, HL Motor Group, Inc. and Andrey Goranskiy

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LUIS VALDERA,

Plaintiff,

vs.

ANDREY GORANSKIY et als.,

Defendants.

Civil Action No.: 2:22-cv-1486

NOTICE OF REMOVAL

1. On January 21, 2022, plaintiff Luis Valdera filed a Complaint in the Superior Court of New Jersey, Bergen County, captioned *Luis Valdera v. Andrey Goranskiy et als.*, BER-L-377-22. See Ex. A (Complaint).

2. HL Motor Group, Inc. (“Highlight”) is a named defendant in the Complaint. Id.

3. Highlight was served with Plaintiff’s Complaint on, or at its earliest, February 17, 2022. See Ex. B (February 17, 2022 Cover Letter).

4. Plaintiff generally alleges he suffered personal injuries resulting from a December 7, 2020 motor vehicle collision in Carlstadt, New Jersey, involving another vehicle owned by Highlight driven by Andrey Goranskiy (“Goranskiy”), Highlight’s agent . See Ex. A (Complaint at ¶¶ 1-3).

5. Plaintiff is a citizen of New Jersey. Id. (preamble).

6. Highlight is a citizen of Canada because it is a corporation located, organized and existing there. See Ex. C (Jealall Aff. at ¶¶ 3-5).

7. Goranskiy is also a citizen of Canada. Id. at ¶ 9.

8. Here, there is complete diversity between plaintiff and defendants and the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1441(b).

9. By reason of the foregoing, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). There is complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of costs. Removal of the state court action to this Court is therefore appropriate under 28 U.S.C. § 1441(b).

10. Removal of this action is timely under 28 U.S.C. § 1446(b) because this Notice of Removal was filed within thirty days after receipt by the defendants, through service or otherwise, of a copy of the pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. Moreover, this Notice of Removal was filed within one year after commencement of the action.

11. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with this filing, defendants are serving a copy of this Notice of Removal upon plaintiff and filing a copy with the Clerk of the Superior Court of New Jersey, Bergen County. Service of same will be automatically made upon counsel via Superior Court eCourts system.

12. Defendants reserve their right to supplement this Notice of Removal and/or to present additional arguments in support of their entitlement to removal.

13. Removal is hereby effected without waiver of any challenges that defendants may have to personal jurisdiction, venue or service of process. Further, no admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved.

WHEREFORE, Defendants, Highlight and Goranskiy, hereby give notice of the removal of the above-referenced action now pending in the Superior Court of New Jersey, Bergen County, to the United States District Court for the District of New Jersey.

Dated: March 17, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Kenneth R. Foreman

By:

Kenneth R. Foreman, Esq.
Attorney for Defendants

EXHIBIT A

Mark McBratney, Esq.- 043412002
SEIGEL LAW LLC
505 Goffle Road
Ridgewood, New Jersey 07450
Attorney for Plaintiff(s)
201-444-4000

LUIS VALDERA,

Plaintiff(s),

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-

CIVIL ACTION

ANDREY GORANSKIY, HL MOTOR
GROUP, INC, and JOHN DOE 1-10
(fictitiously named) and ABC Co. 1-10
(fictitiously named)

**COMPLAINT & JURY DEMAND;
STATEMENT OF DAMAGES;
DISCOVERY DEMANDS**

Defendant(s)

The Plaintiff, Luis Valdera ("Plaintiff"), residing at 10 Highland Avenue, Kearny, NJ,
by way of Complaint against the Defendants, says:

FIRST COUNT

1. On or about December 7, 2020, the Plaintiff was an occupant of a motor vehicle that was legally parked on Kero Road in Carlstadt, New Jersey.

2. At the above time and place, Defendant Andrey Goranskiy was the operator of a motor vehicle with the permission and as the agent of its owner, Defendant HL Motor Group, Inc.

3. At the above time and place, Defendant Andrey Goranskiy carelessly and negligently operated said motor vehicle, failed to make proper observations, and struck the vehicle the parked vehicle that Plaintiff was a passenger.

4. At the same time and place, the Defendants, HL Motor Group, Inc., John Doe 1-10 (fictitiously named) and ABC Co. 1-10 (fictitiously named), their agents or assigns, so carelessly, negligently maintained, repaired, or entrusted said vehicle, so as to cause the within collision.

5. As a direct and proximate result of the foregoing, the Plaintiff was caused to sustain serious and permanent injuries, as more particularly defined and set forth in N.J.S.A. 39:6A-8(a) and has suffered great pain, shock, and mental anguish and was, and still is, incapacitated and will be permanently disabled, and has in the past and will in the future be caused to expend substantial sums of money for medical treatment and suffer lost wages.

WHEREFORE, the Plaintiff demands judgment for damages against the Defendants, jointly and severally, together with interest and costs of suit.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R.4:25-4, the Court is advised that Mark McBratney,

Esq, is hereby designated as trial counsel.

SEIGEL LAW LLC

Mark McBratney
Mark McBratney, Esq.
Attorney for Plaintiff

Date: January 21, 2022

JURY DEMAND

Plaintiff hereby demands a Trial by jury as to all issues Herein.

SEIGEL LAW LLC


Mark McBratney
Mark McBratney, Esq.
Attorney for Plaintiff

Date: January 21, 2022

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, the undersigned certifies that the matter in controversy is not the subject of any other action in any Court or of a pending arbitration proceeding.

SEIGEL LAW LLC




Mark McBratney, Esq.
Attorney for Plaintiff

Dated: January 21, 2022

STATEMENT OF DAMAGES CLAIMED PURSUANT TO R. 4:5-2

Plaintiffs request damages in the amount of \$3,000,000.00 (Three Million Dollars).

SEIGEL LAW LLC



Mark McBratney, Esq.
Attorney for Plaintiff

Date: January 21, 2022

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2 (b) demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

If the answer is "yes" attach a copy of each or in the alternative state, under oath or certification: (a) number; (b) name and address of insurer or issuer; (c) inception and expiration dates; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; (g) medical payment limits; (h) name and address of person who has custody and possession thereof; (i) where and when each policy or agreement can be inspected and copied; (j) excess coverage; (k) concurrent coverage; and (l) umbrella policies.

SEIGEL LAW LLC


Mark McBratney, Esq.
Attorneys for Plaintiff(s)

Dated: January 21, 2022

DEMAND FOR ANSWERS TO UNIFORM INTERROGATORIES

Pursuant to R. 4:17-1 et seq., Plaintiff hereby demands that Defendant provide certified answers to Form C and C(1) interrogatories.

SEIGEL LAW LLC


Mark McBratney, Esq.
Attorney for Plaintiff

Dated: January 21, 2022


DEMAND FOR ANSWERS TO SUPPLEMENTAL INTERROGATORIES

Pursuant to R. 4:17-1 et seq., Plaintiff hereby demands that each Defendant provide certified answers to the following supplemental interrogatories:

1. Where you were coming from immediately prior to the incident?
2. What was your intended destination when the accident occurred?
3. Did you observe the Plaintiff at any time prior to the collision? If yes, state:
(a) the approximate speed of your vehicle; (b) where your vehicle was when you first observed the Plaintiff; (c) the distance between you and the Plaintiff at the first moment you observed the Plaintiff; and (d) the amount of time that passed from the time of your first observation of the Plaintiff to the time of the impact.
4. Was anything distracting you or cause you to look away from the traffic in front of you or oncoming traffic in the moments before the impact? If yes, state: (a) what distracted you or caused you to look away from the traffic in front of you; (b) how long were you distracted or looking away; and (c) what evasive action did you take to try to avoid the crash.
5. Do you dispute any of the statements attributed to you in the police report that was generated by the Dumont Police Department as a result of the subject accident? If so, state specifically which statements you dispute.
6. How many impacts was there to your vehicle?
7. Did you have a cell phone in your vehicle on the date of the accident?
8. Where were you looking just moments before the accident?

9. Do you attribute fault for the accident to any other parties or non-parties and if so, explain your answer.

SEIGEL LAW LLC



Mark McBratney, Esq.
Attorney for Plaintiff

Dated: January 21, 2022

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to R. 4:18-1, et seq., Plaintiffs hereby demand that each Defendant provide the following documents:

1. Any and all statements or reports made by any person or governmental entity concerning this civil action or its subject matter.
2. Copies of any and all photographs or videos in your possession of the vehicles, the location, or the parties involved in this accident.
3. Copies of any and all repairs estimates of the vehicles involved in this accident.
4. Copies of any claims information bureau or other insurance claims searches or other documents referencing any prior or subsequent injuries and/or claims by Plaintiff.
5. Copies of any oral or written statements made by any person with regard to the happening of the collision or having to do with the subject matter of this action.

6. Copies of any and all expert reports, reports of diagnostic tests, hospital and medical records, X-rays, CAT scan films, MRI films and any other films and bills relating to any condition or injury sustained by Plaintiff.


7. Copies of all written reports or summaries of oral reports of all expert or treating or examining physicians along with their curriculum vitae.

8. Copies of any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations or other published documents referred to, utilized by or relied upon by any expert witness whom plaintiff/defendant intends to call at the time of trial.

9. Copies of any and all documents, reports, correspondence, blue prints, charts, diagrams, drawings, graphs, maps, plats, plans, photographs, models or other visual reproductions of any object, place or thing prepared or utilized by, referred to or relied upon by any expert witnesses, whether or not you intend on calling them at the time of trial.

10. Copies of any and all photographs, diagrams, charts, drawings, maps, plans or models or other visual reproductions of any object, place or thing related to this litigation.

SEIGEL LAW LLC



Mark McBratney, Esq.
Attorney for Plaintiff

Date: January 21, 2022

EXHIBIT B

Seigel Law

PROTECTING THE INJURED

Jan K. Seigel
Jonas K. Seigel†
Barry M. Packin
Mark McBratney◊
James P. Kimball◊
J. Sean Connelly◊

*NJ and NY Bars
†LLM in Trial Advocacy
◊ Certified by The Supreme Court of
New Jersey as a Civil Trial Attorney

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Douglas S. Grossbart, M.D.
Michelle E. Radin*
Of Counsel
Bennett A. Robbins
Christopher J. Metcalfe
Georgina Tsakrios*

February 17, 2022

Certified and Regular Mail

Andrey Goranskiy
12 Blue Grouse Road ✓
Maple, ON L6A4B9

HL Motor Group Inc
15 Old Colony Road, Unit 33
Richmond Hill, ON L4E1S

Re: Valdera v. Goranskiy, HL Motor Group Inc.
Docket No. BER-L-000377-22

Dear Mr. Goranskiy:

Enclosed please find a copy of a Complaint and Demand for Jury Trial, which we have filed against you, together with an original Summons. Upon reading the Summons, you will note that you have **thirty-five (35) days** in which to file an Answer to the charges made against you in the Complaint.

If you were covered by insurance for this matter, kindly transmit same immediately to your insurance company. If you were not covered by insurance, kindly consult with an attorney immediately.

Service is being made upon you through the mail under the authority of Rule 4:4-4 of the Rules Governing the Courts of the State of New Jersey.

Please be guided accordingly.

Very truly yours,

SEIGEL LAW LLC

By: 
Mark McBratney, Esq.

MM/ap
Encl.

— Est. 1976 —

EXHIBIT C

LEWIS BRISBOIS BISGAARD & SMITH LLP

Kenneth R. Foreman, Esq. ID# 032641994

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Attorneys for Defendants, HL Motor Group, Inc. and Andrey Goranskiy

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LUIS VALDERA,

Plaintiff,

vs.

ANDREY GORANSKIY et als.,

Defendants.

Civil Action No.: 2:22-cv-1486

AFFIDAVIT FOR REMOVAL

I, Nyron Jealall, being first duly sworn on oath, under penalties as provided by law pursuant to the Federal Rules of Civil Procedure, certify that the statements set forth herein are true and correct and that, if called upon to testify in the above-captioned case, I could competently testify to the following statements based on my personal knowledge.

1. I am the Claims Manager for HL Motor Group, Inc., also known as Highlight Holdings Inc. ("Highlight"), a trucking company located on Ontario, Canada.

2. In my position as Highlight's Claims Manager, I have become familiar with the history, organization and activities of Highlight, a company that is engaged in the business of providing transportation, warehousing and distribution services.

3. Highlight is a company that is organized and existing under the laws of Ontario, Canada.

4. Highlight's principal place of business is located in Ontario, Canada.

5. Highlight's offices and distribution center are located in Ontario, Canada.

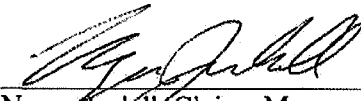
6. In my position as Highlight's Claims Manager, I am also familiar with Highlight's corporate records and documents, which include records of Highlight's ownership and leasing of commercial trucking vehicles and records related to transportation and delivery.

7. I have reviewed the Complaint in this matter, which generally alleges that the plaintiff suffered personal injuries resulting from a December 7, 2020 motor vehicle collision with a vehicle operated by Andrey Goranskiy.

8. On December 7, 2020, while engaged in the activity described in the Complaint in this matter, Andrey Goranskiy was an employee of Highlight.

9. I reviewed Mr. Goranskiy's employment file with Highlight and found that he is a citizen of and resides in Ontario, Canada.

10. I reviewed Highlight's records and found that the vehicle operated by Mr. Goranskiy at the time of the subject accident was owned by HL Motor Group, Inc.


Nyron Jealall, Claims Manager
HL Motor Group, Inc.